

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for Roanoke
NOV 01 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

MAURILIO PRIETO-RUBI,)	Civil Action No. 7:07cv00412
Petitioner,)	
)	<u>FINAL ORDER</u>
v.)	
)	
UNITED STATES OF AMERICA,)	By: Hon. Norman K. Moon
Respondent.)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED

that:

- 1) Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 is **GRANTED**;
- 2) The original Judgement in Prieto-Rubi's Criminal Action No. 3:06cr00017 shall be **VACATED**;
- 3) The Clerk shall **PREPARE** and **ENTER** a new Judgement in Criminal Action No. 3:06cr00017, the same in every respect as the original Judgment, except as to date of entry;
- 4) Petitioner is advised that he has ten (10) days from the entry of the new Judgment to file a Notice of Appeal or request the Clerk to file a Notice of Appeal on his behalf; and
- 5) This action shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 1st day of November, 2007.

Norm K. Moon
United States District Judge